

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:04CV180-1-MU**

ALEX DAVE ALEXANDER,)
)
)
 Plaintiff,)
Vs.)
)
SERGEANT RICE, et al.,)
)
)
Defendants.)

ORDER

THIS MATTER comes before the Court upon Plaintiff's Motion to Remove Assigned Judge; Motion to Move Deposition to a Neutral Site; Motion to Extend Time, all filed January 13, 2006.

On December 20, 2005, this Court granted Defendants' Motion to Depose Plaintiff. Plaintiff has filed a motion requesting that the deposition not take place at the correctional institution where he is currently housed. The basis of support for his motion appears to be that his contention that he is being mistreated at this institution. Plaintiff does not articulate why the alleged problems he is experiencing at the institution would effect his deposition. Moreover, as of this date, Plaintiff has already been deposed and therefore his motion is moot. Consequently, this Court denies Plaintiff's motion.

Plaintiff also requests that the undersigned be removed from this case. Plaintiff essentially asserts that he is unhappy with many of the Orders issued so far in this matter. Plaintiff further asserts that these adverse rulings were the result of racism. Plaintiff's racial allegations are frivolous and baseless. Displeasure with a judge's rulings is not a basis

to remove a judge from a case and Plaintiff's motion is denied.

Finally, Plaintiff has filed a motion requesting that the Court grant him an extension of time in which to serve the two above-discussed motions on Defendants. As this Court has, with this Order, denied these motions, there is no need for Plaintiff's requested extension. Plaintiff is cautioned, however, to remember his obligation to serve copies of his filings on the Defendants.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's Motion to Remove Assigned Judge is **DENIED**;
2. Plaintiff's Motion to Move Deposition to a Neutral Site is **DENIED**; and
3. Plaintiff's Motion to Extend Time is **DENIED** as moot.

Signed: June 5, 2006



Graham C. Mullen
United States District Judge

